



Atty. Docket No. 016303-005310

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant: Sean C. Semple; Sandra K. Klimuk; Peter Scherrer; Michael J. Hope; Yuan-Peng Zhang; Mark Reynolds; John Min  
Application or Patent No.: 09/122,588  
Filed or Issued: July 23, 1998  
Title: LIPOSOMAL COMPOSITIONS FOR THE DELIVERY OF NUCLEIC ACID CATALYSTS

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Inex Pharmaceuticals Corporation  
Address of Small Business Concern: 100-8900 Glenlyon Parkway, Glenlyon Business Park  
Burnaby, B.C., Canada V5J 5J8

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled LIPOSOMAL COMPOSITIONS FOR THE DELIVERY OF NUCLEIC ACID CATALYSTS by inventor(s) Sean C. Semple; Sandra K. Klimuk; Peter Scherrer; Michael J. Hope; Yuan-Peng Zhang; Mark Reynolds; John Min described in:

- ☐ the specification filed herewith.  
☒ Application No. 09/122,588, filed July 23, 1998.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name Ribozyme Pharmaceuticals, Inc.  
Address 2950 Wilderness Place  
Boulder, Colorado 80301  
☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

Name \_\_\_\_\_  
Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Thomas B. MacRury  
Title of Person if Other than Owner: Senior Vice President, Operations  
Address of Person Signing: 100-8900 Glenlyon Parkway, Glenlyon Business Park  
Burnaby, B.C., Canada V5J 5J8

Signature

T. B. MacRury

Date

11/30/98



Attorney Docket No. 016303-005310

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **LIPOSOMAL COMPOSITIONS FOR THE DELIVERY OF NUCLEIC ACID CATALYSTS**, the specification of which      is attached hereto or   X   was filed on July 23, 1998 as Application No. 09/122,588 and was amended on      (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <u>  </u> No <u>  </u>
			Yes <u>  </u> No <u>  </u>

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/053,813	7/24/97

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
		<u>  </u> Patented <u>  </u> Pending <u>  </u> Abandoned
		<u>  </u> Patented <u>  </u> Pending <u>  </u> Abandoned

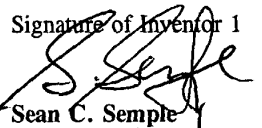
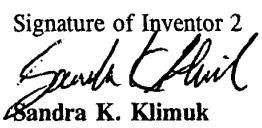
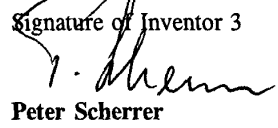
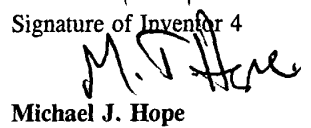
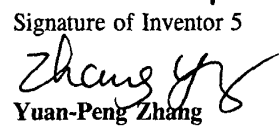
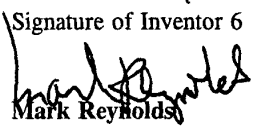
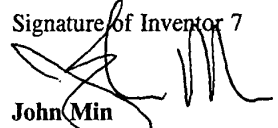
Full Name of Inventor 1	Last Name <b>SEMPLE</b>	First Name <b>SEAN</b>	Middle Name or Initial <b>C.</b>	
Residence & Citizenship	City <b>Vancouver, B.C.</b>	State/Foreign Country <b>Canada</b>	Country of Citizenship <b>Canada</b>	
Post Office Address	Post Office Address <b>301 - 2880 Oak Street</b>	City <b>Vancouver, B.C.</b>	State/Country <b>Canada</b>	Zip Code <b>V6H 2K5</b>
Full Name of Inventor 2	Last Name <b>KLIMUK</b>	First Name <b>SANDRA</b>	Middle Name or Initial <b>K.</b>	
Residence & Citizenship	City <b>North Vancouver, B.C.</b>	State/Foreign Country <b>Canada</b>	Country of Citizenship <b>Canada</b>	
Post Office Address	Post Office Address <b>3330 Chesterfield Avenue</b>	City <b>North Vancouver, B.C.</b>	State/Country <b>Canada</b>	Zip Code <b>V7N 3N1</b>
Full Name of Inventor 3	Last Name <b>SCHERRER</b>	First Name <b>PETER</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Vancouver, B.C.</b>	State/Foreign Country <b>Canada</b>	Country of Citizenship <b>Switzerland</b>	
Post Office Address	Post Office Address <b>301 - 2664 Birch Street</b>	City <b>Vancouver, B.C.</b>	State/Country <b>Canada</b>	Zip Code <b>V6H 2T5</b>
Full Name of Inventor 4	Last Name <b>HOPE</b>	First Name <b>MICHAEL</b>	Middle Name or Initial <b>J.</b>	
Residence & Citizenship	City <b>Vancouver, B.C.</b>	State/Foreign Country <b>Canada</b>	Country of Citizenship <b>Canada</b>	
Post Office Address	Post Office Address <b>3550 West 11th Avenue</b>	City <b>Vancouver, B.C.</b>	State/Country <b>Canada</b>	Zip Code <b>V6R 2K2</b>
Full Name of Inventor 5	Last Name <b>ZHANG</b>	First Name <b>YUAN-PENG</b>	Middle Name or Initial	
Residence & Citizenship	City <i>Mountain View, CA.</i> <del>Vancouver, B.C.</del> <i>2-Y</i>	State/Foreign Country <b>Canada</b>	Country of Citizenship <b>Canada</b>	
Post Office Address	Post Office Address <i>1050 Crestview #2</i> <del>40 East 11th Avenue, Suite 105</del> <i>2-Y</i>	City <i>Mountain View</i> <del>Vancouver, B.C.</del> <i>2-Y</i>	State/Country <del>Canada</del> <i>USA</i>	Zip Code <del>V5T 2B8</del> <i>94540 2-Y</i>
Full Name of Inventor 6	Last Name <b>REYNOLDS</b>	First Name <b>MARK</b>	Middle Name or Initial	
Residence & Citizenship	City <del>Lafayette</del> <i>Pleasanton</i>	State/Foreign Country <del>Colorado</del> <i>CA</i>	Country of Citizenship <b>U.S.A.</b>	
Post Office Address	Post Office Address <i>3342 Vermont</i> <del>1484 North Larkspur Court</del> <i>Place</i>	City <del>Lafayette</del> <i>Pleasanton</i>	State/Country <del>Colorado</del> <i>CA</i>	Zip Code <del>80026</del>

94588

Full Name of Inventor 7	Last Name <b>MIN</b>	First Name <b>JOHN</b>	Middle Name or Initial	
Residence & Citizenship	City <b>Longmont</b> <del>Boulder</del>	State/Foreign Country <b>Colorado</b>	Country of Citizenship <b>U.S.A.</b>	
Post Office Address	Post Office Address <b>1110 Red Oak Dr.</b> <del>4831C White Rock Circle</del>	City <b>Longmont</b> <del>Boulder</del>	State/Country <b>Colorado</b>	Zip Code <del>80301</del>

80501

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  <b>Sean C. Semple</b>	Signature of Inventor 2  <b>Sandra K. Klimuk</b>	Signature of Inventor 3  <b>Peter Scherrer</b>
Date <b>11/23/98</b>	Date <b>Nov. 23/98</b>	Date <b>Dec 3, 98</b>
Signature of Inventor 4  <b>Michael J. Hope</b>	Signature of Inventor 5  <b>Yuan-Peng Zhang</b>	Signature of Inventor 6  <b>Mark Reynolds</b>
Date <b>Nov. 26<sup>th</sup> 1998</b>	Date <b>Jan. 25. 1999</b>	Date <b>MAR 15, 1999</b>
Signature of Inventor 7  <b>John Min</b>		
Date <b>3/9/99</b>	Date	Date



Attorney Docket No. 016303-005310

### POWER OF ATTORNEY BY ASSIGNEE

Inex Pharmaceuticals Corp. is a joint Assignee of the invention entitled: LIPOSOMAL COMPOSITIONS FOR THE DELIVERY OF NUCLEIC ACID CATALYSTS, the specification of which    is attached hereto or   X   was filed on July 23, 1998 as Application Serial No. 09/122,588.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Eugenia Garrett-Wackowski, Reg. No. 37,330  
William M. Smith, Reg. No. 30,223  
Jonathan A. Quine, Reg. No. 41,261  
Kevin L. Bastian, Reg. No. 34,774

Send Correspondence to:

Eugenia Garrett-Wackowski  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834

Direct Telephone Calls to:

(Name, reg. no., tele. no.)  
Eugenia Garrett-Wackowski  
Reg. No. 37,330  
(415) 576-0200

Inex Pharmaceuticals Corporation

Date:

1/15/99

By:

T. B. MacRury  
(Signature)

Name: Thomas B. MacRury  
Title: Senior Vice President, Operations

PWR.MRG 8/96

F:\DATA\PS\PTOD\EGW\90804.1

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: Reynolds; John MinMarkApplication No.: 09/122,588 Filed: July 23, 1998For: LIPOSOMAL COMPOSITIONS FOR THE DELIVERY OF NUCLEIC ACID CATALYSTSRibozyme Pharmaceuticals, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is a joint assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame(s) \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

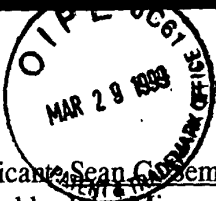
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : March 17, 1999Name : Ralph E. ChristoffersenTitle : CEO/PresidentSignature : Ralph E. Christoff

P22D.NOC 8/93

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CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicants: Sean G. Semple; Sandra K. Klimuk; Peter Scherrer; Michael J. Hope; Yuan-Peng Zhang; Mark Reynolds; John Min

Application No.: 09/122,588 Filed: July 23, 1998

For: LIPOSOMAL COMPOSITIONS FOR THE DELIVERY OF NUCLEIC ACID CATALYSTS

Inex Pharmaceuticals Corporation, a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is a joint assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame(s) \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : 1/15/99

Name : Thomas B. MacRury

Title : Senior Vice President, Operations

Signature : T. B. MacRury



Attorney Docket No. 016303-005310

**POWER OF ATTORNEY BY ASSIGNEE**

Ribozyme Pharmaceuticals, Inc. is a joint Assignee of the invention entitled: LIPOSOMAL COMPOSITIONS FOR THE DELIVERY OF NUCLEIC ACID CATALYSTS, the specification of which     is attached hereto or   X   was filed on July 23, 1998 as Application Serial No. 09/122,588.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Eugenia Garrett-Wackowski, Reg. No. 37,330  
William M. Smith, Reg. No. 30,223  
Jonathan A. Quine, Reg. No. 41,261  
Kevin L. Bastian, Reg. No. 34,774

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Send Correspondence to:

Eugenia Garrett-Wackowski  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834

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Direct Telephone Calls to:  
(Name, reg. no., tele. no.)

Eugenia Garrett-Wackowski  
Reg. No. 37,330  
(415) 576-0200

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Ribozyme Pharmaceuticals, Inc.

Date: March 17, 1999By: 

(Signature)

Name: Ralph E. ChristoffersenTitle: CEO/President

PWR.MRG 8/96

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Attorney Docket No.: 16303-005310

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Sean C. Semple, of 301 - 2880 Oak Street, Vancouver, B.C., Canada V6H 2K5, and Michael J. Hope, of 3550 West 11th Avenue, Vancouver, B.C., Canada V6R 2K2, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:

LIPOSOMAL COMPOSITIONS  
FOR THE DELIVERY OF NUCLEIC  
ACID CATALYSTS

Filing Date:

July 23, 1998

Application No.:

09/122,588

; and

WHEREAS, Inex Pharmaceuticals Corporation, a corporation of the state of Canada, located at 100-8900 Glenlyon Parkway, Glenlyon Business Park, Burnaby, B.C., Canada, V6K 3S4, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

COPY

Assignment  
Application No.: 09/122,588  
Page 2

# COPY

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 03/23/99

  
Sean C. Semple

PROVINCE OF BRITISH )  
COLUMBIA, CANADA )

ss.


On March 23/99, before me, THOMAS J. DILBY, personally appeared Sean C. Semple, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

  
NOTARY PUBLIC

My Commission Expires: unlimited

Dated: March 23<sup>rd</sup> '99.

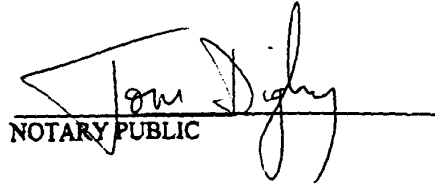
  
Michael J. Hope

PROVINCE OF BRITISH )  
COLUMBIA, CANADA )

ss.

On March 23/99, before me, THOMAS J. DILBY, personally appeared Michael J. Hope, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

  
NOTARY PUBLIC

My Commission Expires: Unlimited

SF 206089 v1

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COPY

ASSIGNMENT

For valuable consideration, we, Mark Reynolds of 3342 Vermont Place, Pleasanton, California 94588, and John Min of ~~4831E White Rock Circle, Boulder, Colorado 80301~~ <sup>Longmont 80501</sup> hereby assign to Ribozyme Pharmaceuticals, Inc., a Delaware corporation, having a place of business at 2950 Wilderness Place, Boulder, Colorado 80301, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the invention and improvements which are the subject of an application for United States Patent signed by me this day, entitled LIPOSOMAL COMPOSITIONS FOR THE DELIVERY OF NUCLEIC ACID CATALYSTS, filed July 23, 1998 as Application No. 09/122,588 this assignment including said application, any and all United States and foreign patents granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents and like rights of exclusion and for inventor's certificates for said inventions and improvements; and I agree for myself and my heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

1110 Red  
Oak Dr.

IN WITNESS WHEREOF, I hereto set my hand and seal at NEWARK  
CA, this 15 day of MARCH, 1999.

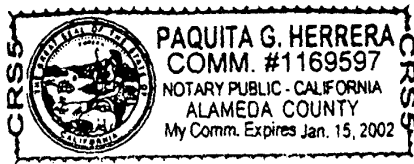
Mark Reynolds  
Mark Reynolds

State of California :  
County of Alameda <sup>ss.</sup> :

Before me this 15th day of March, 1999, personally appeared Mark Reynolds known to me to be the person whose name is

COPY

subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.



Paquita G. Herrera  
Notary Public

My commission expires: Jan. 15, 2002

IN WITNESS WHEREOF, I hereto set my hand and seal at Boulder  
Colorado, this 9 day of March, 1999.

John Min  
John Min

State of Colorado :

County of Boulder <sup>ss.</sup> :

Before me this 9 day of March, 1999,  
personally appeared John Min known to me to be the person whose name is  
subscribed to the foregoing Assignment and acknowledged that he executed  
the same as his free act and deed for the purposes therein contained.

Elaine Sayh  
Notary Public

My commission expires:

My Commission expires  
June 12, 2001

COPY

COPY